

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KENNETH MURCHISON,	:	No.: 4:13-CV-02587
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	(Chief Magistrate Judge Schwab)
	:	
UNITED STATES OF AMERICA,	:	
<i>et al.</i> ,	:	
	:	
Defendant.	:	

ORDER

SEPTEMBER 18, 2017

To conserve judicial resources and prevent redundancy, the Court will not summarize what the Chief Magistrate Judge correctly and efficiently has set forth for review. Briefly, the Court notes that after Plaintiff's filing of the initial Complaint more than four years ago,¹ he has still failed to assert any factual allegations upon which relief can be granted. Plaintiff has been given repeated opportunities –*with instruction by the Chief Magistrate Judge* – to cure the deficiencies in his complaints. Nevertheless, each subsequent complaint and motion remains utterly devoid of facts upon which to base a cognizable claim.

Accordingly, the Court will adopt the thorough, and legally correct, outcome of the Report and Recommendation written by Chief Magistrate Judge Susan E.

¹ See ECF No 1, filed on Oct. 18, 2013.

Schwab. The Court notes that it has conducted an independent *de novo* review of the matter and has reached the same ineluctable conclusion as did the Chief Magistrate Judge. (ECF No. 40).

AND NOW, this 18th day of September 2017, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Susan E. Schwab's December 9, 2016 Report and Recommendation (ECF No. 40) is **ADOPTED** in **FULL**.
2. Plaintiff's Motion for Leave to File an Amended Complaint (ECF No. 44) is **DENIED**.
3. Plaintiff's Motion to Stay (ECF No. 47) is **DENIED**.²
4. Upon considering the factors set forth in *Tabron v. Grace*, 6 F.3d 147, 155-56 (3d Cir. 1993), Plaintiff's Motion to Appoint Counsel (ECF No. 48) is **DENIED**.³
5. The Clerk of Court is directed to close the case file.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge

² Given the generous and repeated opportunities by the Magistrate Judge for Plaintiff to cure the deficiencies in his pleadings and his inability to do so, granting a stay would only delay another presumably meritless Motion or Complaint by Plaintiff.

³ Plaintiff has not asserted any factual allegations for this Court to find his claims to have merit. Therefore, Plaintiff has not met the initial threshold to permit further inquiry as to whether he should be appointed counsel, as the first *Tabron* factor sets forth.